

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

POWER MANAGEMENT ENTERPRISES,  
LLC, a Texas Limited Liability Company,

Plaintiff,

V.

DELL INC., a Delaware corporation,

Defendant.

Civil Action No. 2:13-cv-00639

**PLAINTIFF POWER MANAGEMENT ENTERPRISES, LLC'S ANSWER**  
**TO DEFENDANT TOSHIBA AMERICA INFORMATION SYSTEMS, INC.**  
**COUNTERCLAIMS**

Plaintiff Power Management Enterprises, LLC (“PME”) presents its Answer to Defendant Dell Inc.’s (“Dell”) Counterclaims, showing this Honorable Court as follows.

## DELL'S COUNTERCLAIMS

PME admits that Dell has asserted counterclaims.

## PARTIES

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.

**JURISDICTION & VENUE**

3. Admitted.

4. PME admits that the counterclaims are brought pursuant to the Declaratory Judgment Act and the patent law of the United States.

5. PME further admits that venue is proper in this District. PME denies the remaining allegations of paragraph 5.

**COUNT ONE**  
**DECLARATORY JUDGMENT**  
**NON-INFRINGEMENT OF THE '485 PATENT**

6. In reply to paragraph 6, PME repeats and realleges its replies to paragraphs 1 – 5 of Dell's Counterclaims.

7. Admitted.

8. Admitted.

9. Denied.

10. Admitted.

11. Denied.

**COUNT TWO**  
**DECLARATORY JUDGMENT FOR INVALIDITY**  
**OF THE '485 PATENT**

12. In reply to paragraph 12, PME repeats and realleges its replies to paragraphs 1 – 11 of Dell's Counterclaims.

13. Admitted.

14. Denied.

15. Admitted.

16. Denied.

**COUNT THREE**  
**DECLARATORY JUDGMENT**  
**NON-INFRINGEMENT OF THE '488 PATENT**

17. In reply to paragraph 17, PME repeats and realleges its replies to paragraphs

1 – 16 of Dell's Counterclaims.

18. Admitted.

19. Admitted.

20. Denied.

21. Admitted.

22. Denied.

**COUNT FOUR**  
**DECLARATORY JUDGMENT FOR INVALIDITY**  
**OF THE '488 PATENT**

23. In reply to paragraph 23, PME repeats and realleges its replies to paragraphs

1 – 22 of Dell's Counterclaims.

24. Admitted.

25. Denied.

26. Admitted.

27. Denied.

**PRAYER FOR RELIEF**

PME denies the allegations in Dell's Prayer for Relief. PME denies that Dell is entitled to a judgment, declaration, award, or relief of any kind. Dell's Prayer should be denied in its entirety with prejudice.

November 11, 2013

Respectfully submitted,  
By: /s/Andrew W. Spangler  
Andrew W. Spangler  
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Attorneys for Plaintiff Power  
Management Enterprises, LLC

**CERTIFICATE OF SERVICE**

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served this 11th day of November, 2013, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Andrew W. Spangler  
Andrew W. Spangler